

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JAMES V. KELLY; CRESCENT BAR
CONDOMINIUM MASTER ASSOC., et al.,

NO. CV-11-023-JLQ

Plaintiffs,

vs.

**ORDER AMENDING
SCHEDULING ORDER AND
SETTING BRIEFING DEADLINES**

PUBLIC UTILITY DISTRICT NO. 2., et al.,

Defendants.

On April 21, 2014, the court lifted the partial stay of this case. (ECF No. 491). The court has considered the parties' responses (ECF Nos. 493, 505) to the proposed schedule set forth in the court's April 21, 2014 Order. The court has extended the dates in paragraphs 3 and 4 below by approximately one month. The parties shall strictly adhere to the following schedule and schedule depositions accordingly.

1. Plaintiffs' Motion to Strike Answer to Crossclaim (ECF No. 359).

Briefing Deadline: **May 15, 2014**

Plaintiffs, the PUD, and/or the Port may each file a final supplemental brief no longer than 5 pages in length.

Hearing Date: The Motion to Strike will be deemed submitted on **May 16, 2014** and heard without oral argument.

2. Port's Motion to Amend/Correct Answer to Complaint (ECF No. 280)

Response Deadline: **May 15, 2014**

Reply Deadline: **May 22, 2014**

Hearing Date: The Motion to Amend will be deemed submitted on **May 23, 2014** and heard without oral argument.

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2 **3. Plaintiffs' Motion for Supplemental Injunctive Relief (ECF No. 333) and**
3 **Plaintiffs' Motion for Partial Summary Judgment (ECF No. 251)**

4 Deadline for Response: **July 23, 2014**

5 Deadline for Reply: **August 7, 2014**

6 In Court Hearing in Spokane, Washington: **Friday, August 22, 2014 at**
7 **10:30 a.m.** in Spokane, Washington.

8 **4. Amended Phase One Deadlines**

9 Phase 1 Final Trial Witness Lists:

10 Plaintiffs: **September 16, 2014**

11 Defendants: **October 10, 2014**

12 Phase 1 Expert Witness Reports:

13 Plaintiffs: **October 2, 2014**

14 Defendants: **November 14, 2014**

15 Phase 1 Discovery Deadline: **November 14, 2014**

16 Phase 1 Motions Deadline: **December 19, 2014**

17 **5. Pending Motions Rendered Moot by this Order**

18 Defendant PUD's Motion for Leave to File Surreply (ECF No. 391) is **DENIED**
19 as **MOOT**.

20 Defendant PUD's Motion to Stay Plaintiffs' Motion for Partial Summary Judgment
21 and Discovery (ECF No. 286) is **DENIED** as **MOOT**.

22 **IT IS SO ORDERED.** The Clerk of the Court is directed to enter this Order and
23 forward copies to counsel and the pro se parties.

24 **DATED** this 8th day of May, 2014.

25 s/ Justin L. Quackenbush
26 JUSTIN L. QUACKENBUSH
27 SENIOR UNITED STATES DISTRICT JUDGE
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